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AUTHOR Scriven, Michael
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ABSTRACT

The task of teacher personnel policies should be to get good teaching done with justice and economy. The current state of teacher personnel policies is that they are reasonably fair to teachers and extremely unfair to students, parents, and taxpayers. They protect all teachers, but they excessively protect the incompetent teacher. A system of strict performance evaluation must be developed that replaces the system of teacher evaluation based on classroom observations by an administrator. Such a new system would not make use of observations because they represent a small, unrepresentative sample from a biased observer. The new system would only use facts about the teacher that demonstrably bear on validated job requirements: (1) some estimate of the amount learned by the students; (2) a reliable judgement of its quality; and (3) a guarantee of the legitimacy of the teaching process. Teacher performance in the elementary grades would be measured by pre/post testing, and in the secondary grades by similar testing and/or student evaluations. Teachers who are consistently about two standard deviations off the norm would be subject to a warning and eventual dismissal. This system insures fair treatment and good teaching. (Author/APM)

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TEACHER PERSONNEL POLICIES: EQUITY, VALIDITY AND PRODUCTIVITY

Michael Scriven
Evaluation Institute
University of San Francisco

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TEACHER PERSONNEL POLICIES: EQUITY, VALIDITY *AND* PRODUCTIVITY

Michael Scriven

0. The three previous speakers have variously lamented or applauded the practice and principles of teacher personnel policies emanating from local, state and federal agencies. And they have made some sensible suggestions for improvement. But it seems to me something is missing from all this. It all sounds like a conversation between administrators at various levels, about administrative problems and their resolution by means of better administrative or educative *process*. One can imagine exactly the same conversation occurring between managers of energy projects or bread-slicing factories. Yet our topic has a very specific content that has to be addressed specifically. The specific task of teacher personnel policies should be get good *teaching* done within a framework of justice and economy.

These policies must in some way involve the *specific* question of how good teaching is to be identified and documented and encouraged and thus incorporated into teacher personnel policies. Yet I find virtually no reference to the specific problems of teacher evaluation in these three papers, only references to procedural problems that apply in this form or similar ones throughout the whole field of personnel administration in this country at this time.

I think there is an important message to be conveyed to Washington about the experiences of Jacobs and Valletta, and the comments by Fenstermacher, a message about contradictions and counterproductivity and administrative costs and side-effects. But I think that focussing on that message alone is to miss the forest for the trees. The key issue is, what policies should we have and not have for *evaluating* teachers, that is for *improving* schools through better teacher personnel policies, for *educating* the citizenry and the workforce? In short, what policies should we have that relate to the teacher's performance of the *specific* task of teaching?

I'll begin by casting the net pretty wide and listing all the personnel decisions that have to be made and all the relevant factors, as near as I can. Then I'll go on to make specific suggestions about policies that may get the teaching job done a little better than is currently the case. And that's the main mission of teacher personnel policies. Considerations of the best means to fulfil this mission must be secondary to defining the mission *correctly*. Valetta wants the definition to be clear and fair; Jacobs wants it feasible and consistent; Fenstermacher wants it implemented educatively. I want all those things but first and foremost I want it *correct*. I want the policies to incorporate an implicit definition of good teaching that is the most accurate and effective description of someone who maximizes learning that we know how to formulate. All the rest is built on sand unless we get the first step right.

And have we got it right? No, indeed not; we have it hopelessly wrong. Now let's start all over and see if we can do better.

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1. The current state of teacher personnel policies is that they are reasonably fair to teachers—a great improvement over the pre-union situation—and extremely unfair to students, parents and taxpayers. They protect all, but they *excessively* protect the congenital incompetent, the once-but-no-longer-competent and the competent non-performer. Unless we begin by making this clear, we are fooling around with the issue. Anyone who knows anything about schools knows that what I've said is true, and anyone who knows anything about schools knows that the results are serious, in terms of turned-off, permanently demotivated students; lowered morale amongst other teachers—and students and administrators—because of their resentment of the toleration of incompetence; lowered performance amongst other teachers because they see what one can get away with; lowered immediate performance by the students who are saddled with rotten teaching; lowered respect by the community for the schools, which shows up in the move to vouchers, to more and more private schools and in the failure of bond issues. The worst problem is that all this is going on at a time when there is declining performance by students, and an increasing set of curricular pressures (e.g. computer literacy, multilingual skills) against a backdrop of declining public expenditures on human services and increasing concern with U.S. productivity. But we have teacher policies that ruthlessly sacrifice productivity for equity. Productivity without equity is morally intolerable; equity without productivity is socially irresponsible.

2. We are talking about personnel *policies*—and in particular personnel policies that reflect sound evaluations, the crucial part of personnel policies—and we all know that no policy is perfect. It might appear that the imperfections I have just described are simply the price that any policy has to pay for the irregularities in the real world that do not fit any policy simple enough to administer. Let me say that due consideration of this argument has led me to its *total* rejection. Present policies range from unsatisfactory to absurd—they are nowhere near the point of optimal realistic formulation or application. (Reasons in 7 below)

3. The evaluation-related teacher personnel decisions that should be addressed by an LEA personnel policy may be classified under twelve headings.

00. needs assessment and resource allocation
0. job describing/recruiting/advertising/interviewing
1. selection/placement/appointment
2. retention (continuance)/non-retention (termination, separation)
3. tenured/untenured continuance
4. promotion/demotion
5. salary raise/cut
6. bonuses/fines: money and non-money bonuses (e.g. office or schedule choices, leaves) should be included.
7. official commendation/reprimand
8. reassignment (site or job)
9. change of duties
10. early/late retirement

There are additional SEA options e.g. licensing/credentialing and license revocation. They are not central to our concerns here and I have addressed them in the course of setting out a new credentialing system for California (Scriven, 1979). There are also a substantial number of teacher policy issues the SEAs and LEAs face which are not merit-related e.g. school population projections. These have been well covered by Von Valletta and I will say no more about them here.

4. Considerations or concepts involved in discussions of the appropriate personnel [illegible] dressing the above issues, even if not in the eventual policy, include one group that [illegible] individual cases, viz:

1. Seniority
2. Special (or protected) group status (minority, gender, handicap)
3. Teaching merit
4. Worth of personnel to system because of considerations other than teaching merit e.g. political, morale (verbal attacks on colleagues), fund-raising, union role, lunchroom useability
5. Class size/workload
6. Special skills inventory or versatility
7. Going rate from competitive employers or private practice (e.g. petroleum engineers, surgeons, business, computer sciences)
8. Productivity
9. Performance standards

and one group that refers to general background factors that relate to any system of policies:

1. Legal requirements and problems including conflicting mandates, mainstreaming, excluded duties, due process, open files
2. Scientific validity of criteria
3. Funding available, special or regular
4. Staff development; level of effort and quality; staff retraining, counseling etc.
5. Time, money, credibility and skill requirements of evaluation system
6. The probable costs of an increasingly elderly faculty:
   a. increased average salary
   b. reduced adaptability
   c. absence of expertise in newly emerged curriculum areas e.g. computer science /new learnings
   d. reduced rapport with pupils
7. Hazard pay
8. Early retirement inducements
9. Arbitration bias
10. Turf disputes (e.g. NEA/AFT, teacher/teacher aide)
11. Reduction of public support
12. Needs assessment
13. Benefits package
14. Grievance procedures
15. Formally adopted written policies

5. I find the preceding lists to be useful in looking over any policy or set of policies in order to check whether it covers the territory it has to cover. Some people find it an intimidating list, defining an impossible task; I find it quite manageable, defining only a strenuous task, but one which is, I believe, the key to the survival of the public schools in any acceptable form. One of the reasons I see hope where others despair is a recent landmark decision in the Eighth Circuit Court of Appeals which held that a

superintendent was entitled to dismiss a teacher whose (fourth grade) pupils were not learning nearly as much as the pupils of her colleagues. This might be appealed and it might be reversed at the Supreme Court level, but that will probably only tell us that we need certain further evidential support or a more complex process. It seems clear that the *principle* of performance evaluation is legal and that the *simplest* defensible version of it was upheld is the first good news in some time on this front. This was a productivity criterion, but not a merely quantitative criterion. The tests were (supposedly) of quality learning.

6. There is, in fact, a silver lining to most of the bad news about serious efforts at acting on negative teacher evaluations. While it has usually failed to protect us from bad teaching, the reasons are clear enough and clearly enough related to justice, so that we should feel both ashamed of the way we have prepared these cases and greatly encouraged about the possibility of doing better. Only if one fails to follow the logic of the arbitrator or the court should one be discouraged. The logic of justice *is* complex and it is right that it should failsafe for individuals not institutions like the police or the schools. The blame for the excessive cost of the failures lies squarely on our shoulders for not doing our homework. Specifically on SEAs and the federal agencies and schools of education for not giving the support the LEAs need to develop better policies. While it is clear that the unions would not be enthusiastic about such support or about any superintendent that requested it, the seriousness of this issue makes lack of efforts here a cheap political posture, maintained at the expense of students, schools and taxpayers.

7. The bad news is that we have not yet come near to plumbing the depths of the legal difficulties. The unholy alliance of unions and administrators has kept in place a system that is scientifically indefensible and completely unethical, a combination of virtues that will ensure its demise the moment some teacher with the relevant knowledge appeals to the courts without relying on the union. I am referring to the K-12 system of teacher evaluation based on classroom observations by an administrator. There is absolutely nothing salvageable about this approach and it must be replaced with direct or indirect performance evaluation as soon as possible. I have outlined the appropriate procedure elsewhere (Scriven, 1981, in press) and will not repeat the details here, making only the following summary comments:

a. Observations are useless because they represent a sample that is too small, unrepresentative, made by a biassed observer, and of irrelevant behavior.

b. Even if there were any known reliable connections between what could be observed, i.e. teaching style, and learning outcomes, which there is not; and even if the observation was done on an adequate sample (for which we cannot afford the time); in an unobtrusive way (which is illegal); by an unbiassed observer (none of whom are available); we couldn't use it. That is because the connection would only be a statistical one, and one cannot base adverse personnel decisions on statistical generalizations in this case any more than one can use the known statistical connection between skin color and crime rate in making personnel decisions. One can only use facts about the individual that *demonstrably bear on* validated job requirements.

c. What one can and must have are three items. First, some estimate of the amount learnt by the students; second, a reliable judgment of its quality, and third, a guarantee of the *legitimacy* of the process of teaching (not its optimality, which is a style judgment—legitimacy is an ethical judgment). These estimates can be obtained by direct expert measurement or by consumer estimates based on direct observations—nothing else will do, scientifically or legally. (This is the validity issue.)

d. To these one can add a fourth component—it is not essential, but it is desirable—some input from the teacher about self-improvement activities. I call this the professional development dossier.

That's the package, and there's no doubt that setting it up will cost something, not a great deal, and running it will cost somewhat more than running our present system. I make no predictions as to whether this needed reform will take place on a large scale. I only say that unless we make it, the system is doomed *not only* politically but educationally.

I should add the footnote that no system of teacher evaluation can work in a vacuum and in particular it *should* not have to work in the absence of (i) a good quality teacher development system (orienting, counseling, supervising) system; (ii) a sound administrator evaluation; and (iii) a solid grievance procedure.

8. Appealing to the need to keep up with the Russians produced more action in curriculum reform than appealing to considerations of merit, and the merit will probably fare no better in the case of teacher personnel policies. What may bring us to our senses is the fiscal disaster presaged by the increasing cost of an ageing faculty protected from dismissal by seniority rules, and consummated by the termination of age-based retirement. To avoid the prospect of dribbling dotards in the classroom, we will *have* to develop, and regularly and uniformly apply, well-defined and tough quality standards to every faculty member, from probation to departure. (This will, at exactly the point where it does its job effectively, and in combination with the "just cause" doctrine, make tenure a virtually empty concept, but let's not make unnecessary trouble by making that the starting point of the argument.)

9. *What about all the SEA/LEA mandated approaches to Teacher-evaluation?* All those observation checklists and required hours of visits? As Valetta pointed out with respect to affirmative action, this is where we find out what your true values are. If the law requires something, do it until you can get the law changed, but let's see you paying your dues to *get* it changed. If it's not worth a little of your time to make that effort, you don't care much about it. But in most cases if you look at the law, you find it does not exclude the use of other evidence, in which case you take a good look at the classroom, fill the form out with the same grade on everything for everyone, and get to work on the performance evaluation which is what will then carry the weight. People should be evaluated on what they achieve, not on whether one judge happens to like the way that they do it. That's a moral as well as a legal point.

10. *How do you get performance measures?* In the elementary grades, by random (or nearly random) allocation of students to teachers and simple pre/post testing, using an appropriate test i.e. one which draws from a pool of locally generated (but professionally checked) items combined with a hard core of 50 per cent nationally constructed and normed items, the pool being 10-20 times the size of the test and fully public; the drawing being made on the day of the test by the administrator whose secretary will deliver copies to the classrooms, and stratified to contain a reasonable distribution across sub-areas and 50 per cent pre-normed items. In the secondary grades, this procedure will sometimes not work because only one teacher handles a subject, in which case student evaluations should be used with all the usual precautions and pretraining of students. They are a very good substitute, in some ways superior to direct test.

11. *How do you convert learning gains or student-ratings into personnel standards?* You look for teachers that are *consistently* about two standard deviations off the pace. With any luck, that will be nobody. But sometimes there are such teachers and their students cannot be sacrificed year after year. Of course, you move through notifying, to warning, to action across three years. Of course you arrange for whatever help you can, while meticulously avoiding providing it yourself for reasons which should be obvious but have apparently escaped most administrators. Of course, you couple down-side risks with up-side gains

i.e. merit pay which avoids the usual abuses (and retains the usual justification) if tied to a system like the one described here. (This is the productivity issue; see also 17 below.)

12. *How do you get a system like this institutionalized in the face of the storm of opposition it may well encounter?* You begin with volunteers, and only after you and they are convinced it's a better basis for continued professional development as well as personnel decisions do you take it to the school board and start to negotiate it into the agreement. (If you are using your brains, you will realize that in many systems you will not have to do this in order to implement it.)

13. *Why should anyone volunteer?* Not only because we still have a cadre of dedicated professionals who want to be judged by and indeed learn about their achievements, but because even a cynic knows that extra data is an extra edge when lay-off time comes around and seniority considerations leave some room for choice, and even a cynic knows that if a new system is coming down it pays to get a little experience with it. And of course, the volunteers are guaranteed that the results of the trial runs will only become part of their dossier if *they* decide to leave them there.

14. *How are judgments of quality to be made?* Essentially by expert review of the content of the learning, the choice of materials, the construction and grading of the tests, the feedback to students on projects etc. The experts might be peers, a departmental chair, a principal or assistant principal with relevant qualifications who is not in charge of the personnel review, or a curriculum specialist, from this or another school or district. These reviews are more costly than the present ones and should be biennial or triennial not annual (except for probationers), not only to save money but to ease pressure and allow experimentation.

15. *How is legitimacy of process to be judged?* Some input to this spills over from the quality review; some from student evaluations where used; some from parental input; and some from student complaints or from discussions with students. In general this part of the system requires only the setting of alarms not constant checking. If an alarm rings, discussion with the teacher is the next step; the input here is not highly valid, just a starting-point for checking.

16. *What about the Professional Development Dossier?* This is the key link between summative and formative evaluation, the device for upgrading self-evaluation to the level of external evaluation, the procedure for picking up early warnings of good or bad things to come. It is the teacher's own domain, the record of their achievements and expertise seen through their own eyes, plus some *reactions* by the supervisor. It is judged by set standards, with room for additional points for innovation and inspiration. One administrator should do the judging, but only after a great deal of supervised experience; and it must not be the supervisor.

17. *How does this system avoid the usual injustice of blaming teachers for the performance of students over whose achievement levels they have so little real control?* Simply by restricting comparisons so that responsibility is ascribed only for *large consistent* differences in performance on *comparable* students. In general, this means students within the same school but there will be cases where it goes beyond that to other schools in the same or possibly an essentially similar district. Teachers are the only cause of these differences and if they are large and positive they deserve rewards; if large and negative, some assistance; if continued bad, some action. Note that there is no competitiveness involved in the vicious sense, since there can be winners without losers, and being slightly off the pace is no basis at all for any unfavorable personnel action, since the accuracy of the system does not give small differences any significance at all (other than statistical significance, which de[illegible]ducational or personnel attention in itself.)

18. *If the present system is as bad as I claim, why has it persisted so long?* I spoke earlier of an unholy alliance of the administrators and unions. This is not a conscious conspiracy, but the results are the same. It must be realized that administrators have little incentive to increase their load—and *any* new personnel policies will do that. And it must be realized that unions have every incentive not to protest the basic shape of present policies because the protest would involve grievances on a scale they cannot afford, and the new policies will bring in not one cent more dues, which are paid by all warm bodies employed as teachers, whether or not they can teach.

Consequently unions protest, and administrators try to avoid, inequity but not invalidity let alone low productivity.

19. *Would not the proposed system open the doors to a new "conspiracy", this time of teachers who see that their interests are best served by keeping their performance level low?* One can envision high performers being treated as traitors to their colleagues because they pull the average up and hence, perhaps, drop someone into the cellar of jeopardy. This totally unprofessional attitude would of course have to be treated as grounds for dismissal if expressed or embodied in action. I do not believe we should treat it in any detail unless it becomes a problem, but I will say that I think it can easily be handled by a combination of appropriate inter-school comparisons, really substantial rewards for high performance, the use of semi-interquartile range instead of standard deviations and so on.

20. To conclude. I have tried to focus this discussion of teacher personnel policies on what I see as the ultimate point of them all. I have suggested that our practices and even our thinking is so jaded by the bitter taste of bureaucratic bungling that we forget to pay attention to the nutritional question, the question whether the system feeds the hungry minds of children as well as it can. I have suggested that the task of feeding the multitudes is not too difficult, that policies for doing it that avoid the well-known traps can be formulated. Implementing them is no mean task, but failure to implement them is irresponsible and will bring almost certain disaster.